



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

By: Carmencita M. Pedro, *Pro Se* Plaintiff

Carmencita M. Pedro  
P.O. Box 15616  
541 North Paxon Street  
Philadelphia, PA 19131  
(215) 477-0505 voice/fax

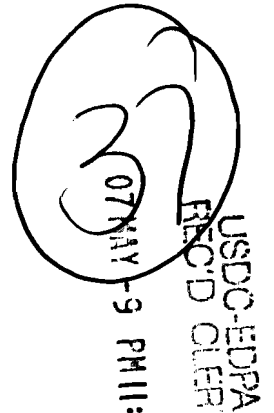
*Pro Se* Plaintiff

Civil Action No. 05-cv-857


v.

The School District of Philadelphia, et al.  
440 North Broad Street  
Philadelphia, PA 19130  
(215) 400-4120 office  
(215) 400-4121 fax

Defendants



FILED

MAY 09 2007  
MICHAEL E. KOSZ, Clerk  
By:  Dep. Clerk

**COMPLAINT AND APPEAL OF THE SECTION 504 ADMINISTRATIVE  
DECISION/ORDER DATED MARCH 10, 2007  
MOTION FOR CONSOLIDATION OF CIVIL ACTION 05-CV-857  
MOTION TO FILE DOCUMENTS UNDER SEAL  
MOTION FOR LEAVE OF COURT TO AMEND COMPLAINT**

I, Carmencita M. Pedro, *Pro Se* Plaintiff and natural mother of K.L.F., Jr., hereby file this Complaint and Appeal of Section 504 Administrative Decision/Order Dated March 10, 2007, Motion for Consolidation of Civil Action 05-CV-857, Motion to File Documents Under Seal, and Motion for Leave of Court to Amend Complaint appealing from the Administrative Decision/Order entered on March 10, 2007 by Hearing Officer David Bateman, Ph.D., In re: Section 504 Due Process Hearing for K.L.F., Jr., ODR File #7272/06-07. The *Pro Se* Plaintiff is complaining of those issues raised in Civil Action No. 05-CV-857 together with multiple other

issues, and shall seek appropriate relief from this Honorable Court, and in support thereof, she avers as follows:

1. The jurisdiction of this Court is invoked pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104 et seq., and IDEA 2004 and its implementing regulations at 34 C.F.R. Part 300, which afford, *inter alia*, a parent(s) the right to appeal an Administrative Decision/Order to Federal Court.

2. The instant matter relates to, and arises from Section 504 Service Agreements dated February 18, 2005, December 16, 2005 and December 15, 2006, respectively, and all accommodations and provisions delineated therein which were proffered and provided to K.L.F., Jr. by the School District of Philadelphia (hereinafter “the School District”) and its employees and/or representatives during the 2004-05, 2005-06 and 2006-07 school years, to include, but not be limited to, the behavior support services provided to K.L.F., Jr. by the Children’s Crisis Treatment Center School Based Behavioral Health Program and Outpatient Services Department.

3. Civil Action 05-CV-857, which concerns itself solely with the Section 504 Service Agreement dated February 18, 2005, is hereby incorporated into and made part hereof, by reference, as though set forth and full. The *Pro Se* Plaintiff is now complaining of the issues raised in Civil Action No. 05-CV-857, together with multiple other issues. The *Pro Se* Plaintiff therefore seeks consolidation of Civil Action 05-CV-857 with this Complaint.

4. On January 9, 2007, the *Pro Se* Plaintiff requested a Due Process Hearing complaining about the issues referenced in paragraph #2 supra [In re: Section 504 Due Process Hearing for K.L.F., Jr., ODR File #7272/06-07].

5. On February 23, 2007, a Due Process Hearing was convened and concluded before Hearing Officer David Bateman, Ph.D. [In re: Section 504 Due Process Hearing for K.L.F., Jr., ODR File #7272/06-07]. The School District was represented by Kimberly Caputo, Esquire, who is named as a Defendant in Civil Action 05-CV-857.

6. On March 10, 2007, Hearing Officer Bateman entered an Administrative Decision/Order [In re: Section 504 Due Process Hearing for K.L.F., Jr., ODR File #7272/06-07]. The *Pro Se* Plaintiff seeks the permission of this Honorable Court to file this Administrative Decision/Order under seal, as it contains both identifying and confidential information concerning the education and health of K.L.F., Jr., which is protected information pursuant to the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations at 34 C.F.R. Part 99, and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations at 45 C.F.R. Part 160 and Subparts A and E of Part 164.

7. The *Pro Se* Plaintiff files this Complaint on the instant date in order that her appeal of the Administrative Decision/Order dated on March 10, 2007 is timely, as the time period for filing such an appeal in Federal Court is sixty (60) days from the date of the Administrative Decision/Order.

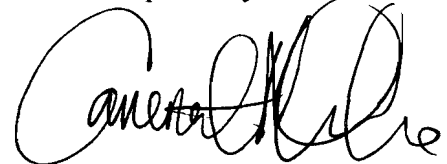
8. The *Pro Se* Plaintiff seeks leave of Court until June 19, 2007 to amend this Complaint, in order that she may name additional Defendants, specifically detail the multiple other issues she now complains about, and amend her prayer for relief. She is

currently unable to perfect this Complaint due to the constraints that have been placed on her time in response to the immediate needs presented by K.L.F., Jr. with respect to his care, maintenance, supervision, and oversight of his mental/behavioral health and drug and alcohol treatment.

WHEREFORE, the *Pro Se* Plaintiff respectfully prays this Honorable Court grant her relief by entering an Order that:

1. Consolidates Civil Action 05-CV-857 with this Complaint.
2. Grants the *Pro Se* Plaintiff permission to file the Administrative Decision/Order dated March 10, 2007 under seal.
3. Grants the *Pro Se* Plaintiff leave of Court until June 19, 2007 to amend this Complaint.
4. Grants any other relief the Court finds fit and appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carmencita M. Pedro', written in a cursive style.

Carmencita M. Pedro  
*Pro Se* Plaintiff

Date: 9 May 2007

**CERTIFICATE OF SERVICE**

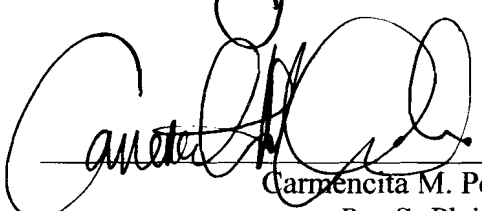
I, Carmencita M. Pedro, *Pro Se* Plaintiff, hereby certify that the attached Complaint and Appeal of Section 504 Administrative Decision/Order Dated March 10, 2007, Motion for Consolidation of Civil Action 05-CV-857, Motion to File Documents Under Seal, and Motion for Leave of Court to Amend Complaint have been filed of record on May 9, 2007 as indicated by the time/date stamp on p.1 supra and that a true copy was served to the Defendants on May 9, 2007 via first class U.S. Postal Mail addressed as follows:

The School District of Philadelphia  
c/o Miles Shore, Esquire  
Office of General Counsel  
440 North Broad Street  
Third Floor  
Philadelphia, PA 19130

**FILED**

MAY 09 2007

MICHAEL E. ROSE, Clerk  
By  Dep. Clerk

  
Carmencita M. Pedro  
*Pro Se* Plaintiff

Date: May 9, 2007